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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,269

01/20/2006

Lucien Wende

60177-221605

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26694 7590 07/10/2008  
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EXAMINER

DEMERE, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3782

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,269	<b>Applicant(s)</b> WENDE ET AL.
	<b>Examiner</b> CHRISTOPHER DEMEREE	<b>Art Unit</b> 3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/2/2007 and 1/20/2006</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenner et al. (US 6003759 A; hereinafter Kenner).

Regarding claims 1, 3, 9, 12 and 14, Kenner teaches a folding box having side walls (12, 14, 16 and 18) and a base unit (30) and/or a lid unit (28), at least one side wall having a convex curvature (18) when the folded box is folded up, characterized in that at least one supporting unit (30.2 connected via tab 49) is connected to the inner wall of the convexly curved side wall and has a first and second adhesive tab (40; Col 4 lines 7-15), which are connected to the inner wall and which are arranged spaced apart from each other in the direction of the curvature (see Fig. 1), and between the first and second adhesive tab there is a supporting tab (32.2; examiner notes that 32.2 lies between the adhesive tabs when the box is in its erect state), which is connected to the first and, respectively, the second adhesive tab via a first and, respectively, a second supporting tab fold (42), the length of the supporting tab corresponding to the distance between the first and the second adhesive tabs and, when the folded box is folded up, it being possible for the supporting tab to be folded into the interior of the folded box or,

when the folded box is folded up, folding up automatically into the interior of the folded box (see Fig. 6).

Regarding claim 2, Kenner teaches a folding box further comprising a plurality of supporting units (30.2 and 28.1) arranged in the direction of the curvature (contour 36 allows the supporting units to fit the curvature).

Regarding claim 4, Kenner teaches a folding box wherein the supporting tab has a convex curvature (36) inward when folded up.

Regarding claim 5, Kenner teaches a folding box wherein the supporting tab has at least one further supporting tab fold (34), which runs parallel to the first and, respectively, the second supporting tab fold and, in particular, is arranged centrally on the supporting tab (see Fig. 1).

Regarding claims 6, 7 and 13, Kenner teaches a folding box wherein the supporting tab comprises double walls. Examiner notes that supporting tab 32.2 overlies supporting unit 30.2, thus comprising double walls.

Regarding claim 8, Kenner teaches a folding box wherein the base unit and/or the lid unit is connected to the inner wall of a side wall element via a base fold (20) and a lid fold (22), respectively, the base fold and lid fold being arranged substantially at the same height as the upper and lower edge, respectively, of the folded-up supporting tab (see Fig. 6).

Regarding claim 11, Kenner teaches a folding box wherein the supporting tab is reinforced by at least one reinforcing tab (46), which is connected to the supporting tab

via a reinforcing tab fold (44), which in particular runs parallel to the first and, respectively, the second adhesive tab fold (see Fig. 1).

Regarding claim 15, Kenner teaches a folding box wherein the box is formed from a one-piece blank (see Fig. 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Kenner et al. (US 5911358 A; hereinafter Kenner '358).

Regarding claim 10, Kenner teaches everything except adhesive tabs folded to the lower or upper edge of the convexly curved sidewall. Kenner '358 teaches a folding box comprising adhesive tabs (50) folded via fold line (54) to convex sidewalls (16 and 18); further comprising slots (56) between the convex sidewalls and the adhesive tabs. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kenner's box to include adhesive tabs connected to the convex sidewalls with slots between in order to fashion effective wall reinforcement (Kenner '358; Col 3 lines 54-64).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark (US 6152359 A); Clark (US 6170740 A) and Perot (US

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6513704 B1). These references teach container constructed from a single blank comprising convex sidewalls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER DEMEREE whose telephone number is (571)270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Demeree/  
Examiner, Art Unit 3782

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/Nathan J. Newhouse/

Supervisory Patent Examiner, Art Unit 3782